



July 7, 2022

## **UTAH COUNTY BOARD OF ADJUSTMENT**

### **STAFF REPORT FOR APPEAL #1605**

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#### **I. APPLICATION:**

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|---------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A. APPLICANT</b> | - | Michelle Crystal                                                                                                                                       |
| <b>B. REQUEST</b>   | - | A conditional use request for a site plan amendment to a previously approved Reception Center and for a structure to exceed forty (40) feet in height. |
| <b>C. LOCATION</b>  | - | Approximately 5974 South Lincoln Beach Road, Sec. 14, T8S R1E, in the West Mountain area of unincorporated Utah County                                 |
| <b>D. ZONING</b>    | - | Residential Agricultural (RA-5) Zone                                                                                                                   |
| <b>E. AREA</b>      | - | 15.25-acre parcel (Tax ID 28:008:0039)                                                                                                                 |

#### **II. STAFF SUMMARY:**

##### PARCEL INFORMATION

The subject property (28:008:0039) is approximately 15.25 acres and is currently shown on Utah County records to be owned BT Investments. No structures have been constructed nor have any permits been issued for the subject parcel. A recorded 12-foot-wide access easement is recorded which appears to grant access from Lincoln Beach Road to the adjacent parcel to the west (28:009:0001).

The subject property is currently undeveloped and currently does not appear to have a specific use. Adjacent uses include residential, open space, and agricultural uses. The subject parcel has frontage along Lincoln Beach Road which is a paved road maintained by Utah County. This road is designated as a collector road on the Transportation Element map included in the Utah County General Plan.

##### PARCEL ZONING

The property is in the Residential Agricultural (RA-5) Zone and appears to be a conforming parcel in that zone. It would appear to be eligible for any permitted or conditional permitted use allowed in the RA-5 Zone subject to meeting all applicable standards for a given use. The subject property does have areas included in the Natural Hazard Overlay Zone (NHO). These

small areas are included due to hazards associated with an identified areas of debris flow. Specific NHO requirements may exist if any occupied structure falls within the identified boundaries of the NHO zone.

#### APPLICANT REQUEST

A conditional use appeal (Appeal #1605) for a reception center was approved by the Board of Adjustment on July 7, 2022. As the applicant has worked to develop their reception center, it has become necessary to adjust the site plan to accommodate architectural, engineering and other regulatory requirements. The original design did not include the greenhouse (to be used as a second reception area), the dwelling or the additional parking areas. These changes were significant enough to require the approval of the amended site plan. The updated site plan is planned to be developed in stages with the main structure and necessary uses being developed first and the greenhouse and dwelling developed in the future.

The architectural design for the main reception center includes three cupolas which do exceed 40 feet in height. Based on the current building code these may not be calculated into the determination of the height of the structure depending on the square footage, but as it was necessary to approve the amendments to the site plan and to avoid an additional request if it became necessary the applicant is requesting a building height of 50 feet to accommodate the cupolas.

#### STAFF REVIEW

This appeal request does meet the minimum parcel requirements for a reception center in the RA-5 zone. The distance to the nearest home, on the adjacent parcel to the south, is approximately 50 feet from the property line. It appears the reception center is located approximately 100 to 150 feet from the nearest home.

These changes do appear to move the main access and most of the parking and traffic further away from existing residential uses. The applicant has expressed a desire to discourage patrons from using the south entrance where there will not be a turn lane or an acceleration lane and because this access is closer to an existing dwelling. Staff feels that the changes to the site plan are an improvement from the original site plan and will protect existing adjacent residential uses better.

### **III. APPLICABLE CODES AND ORDINANCES:**

The following are ordinances and laws more specifically pertaining to this appeal:

1. **U.C.L.U.O. Section 2.08 Definitions:** "Reception Center" A structure and ancillary facilities used for group social, business or family gatherings, without overnight lodging. A reception center does not include sporting events or concerts.

2. [U.C.L.U.O. Section 8.96 Reception Centers](#): provides specific standards and requirements for reception centers.
3. [U.C.L.U.O. Section 12.08\(C\)\(13\) Permitted Conditional Uses](#): includes a "reception center" as a permitted conditional use in the RA-5 Zone, subject to the approval by the Board of Adjustment.
4. [U.C.L.U.O. Section 12.08\(C\)\(1\) Permitted Conditional Uses](#): includes a "a covered water tank or reservoir which extends over two (2) feet above natural grade" as a permitted conditional use in the RA-5 Zone, subject to the approval by the Board of Adjustment.
5. [U.C.L.U.O. Section 12.08\(D\)\(6\) Area Requirements](#): requires a reception center in the RA-5 Zone be on a parcel with a minimum area of ten (10) acres.
6. [U.C.L.U.O. Section 12.08\(E\)\(4\) Width Requirements](#): requires a reception center in the RA-5 Zone to have a minimum width of five hundred (500) feet between the frontage and structure.
7. [U.C.L.U.O. Section 16.80 Rules For Hearing And Deciding Appeals For Conditional Uses](#): contains the rules for hearing and deciding appeals for conditional uses.
8. [Utah County Hazards Map](#): A map showing hazard areas within Utah County, the subject parcel is shown to have areas of debris flow, which may have associated Natural Hazard Overlay Zone requirements.

#### **IV. STAFF FINDINGS:**

1. Section 12.08(C)(13) of the Utah County Land Use Ordinance lists a reception center and covered water tank which extends over two (2) feet above natural grade as permitted conditional uses in the RA-5 Zone, subject to approval by the Board of Adjustment as a conditional use according to the provisions of Section 8.96 and Section 16.80. Section 12.08(G)(1)(e) of the Utah County Land Use Ordinance allows unoccupied structures in excess of 40 feet in height to be granted approval by the Board of Adjustment as a conditional use according to the provisions of Section 16.80. The cupolas on the proposed structure appear to meet the area and setback requirements with structures in excess of 40 feet in height.
2. A completed application was submitted March 3, 2023, as per Section 16.80(A).
3. The application is for a conditional use which the Board is empowered to approve as per Section 16.80(B).
4. The application appears to meet the requirements of Section 16.80(C)(1), which requires the proposed conditional use to not degrade the public health, safety, or welfare. It would not appear to have any obvious negative effects on the public health, safety, or welfare.

- Mitigation measures such as management and operation plans, hours of operation, etc., for any inherent concerns can be accomplished through conditions attached to any approval of this application.
5. The application appears to meet the requirements of Section 16.80(C) (2), which requires the proposed conditional use to meet the general purposes and intent of the ordinance, as specified in Section 1.08. Specifically, it would appear to foster the county's agricultural and other industries and help create conditions favorable to recreational opportunities (Section 1.08(D) & (J)).
  6. The application appears to meet the requirements of Section 16.80(C) (3), which requires the proposed conditional use to be consistent with the "characteristics and purposes" stated for the zoning district involved and the adopted general plan. This conditional use would appear to be consistent with the purposes and intent of the RA-5 Zone, including:
    - Coordinating rural development in a way that is economical for the continuation of agriculture by supporting a low-impact commercial use near urban centers.

It would appear to be consistent with the general plan, including:

    - 2.16 Objective 7: Commercial land use in unincorporated Utah County should only be encouraged to meet the minimum needs of the local community.
  7. The application appears to meet the requirements of **Section 16.80(C) (4)**, which requires the proposed conditional use be compatible with the public interest and with the characteristics of the surrounding area, as follows:
    - The application will provide a location for recreational activities for community that is likely to have need of such services, which would appear to have a positive impact on the public's interest.
    - The application is anticipated provide a well-kept and scenic wedding reception center business in the local community that is likely to have need of such services, which would also appear to have a positive impact on the public's interest.
  8. The application appears to meet the requirements of Section 16.80(C) (5), which requires the proposed conditional use to be shown to not adversely affect local property values. There appears to be no evidence that this conditional use would adversely affect local property values due to the general compatibility with the adjacent properties and their uses, the location of the reception center being located largely within an enclosed building on the subject property. **However, the application did not include any appraisals or other professional statements regarding property values. The Board may want to take this into consideration.**
  9. The application appears to meet the requirements of **Section 16.80(C) (6)**, which requires the proposed conditional use to comply with all the terms and requirements of the ordinance. The application appears to meet the requirements of Section 8.96 and further

future monitoring of this requirement will be accomplished through the issuance of a building, and other permits for all applicable structures and uses that have been reviewed and approved by all appropriate departments.

10. The application appears to meet the requirements of Section 16.80(C) (7), which requires the proposed conditional use to be shown to not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services. Those essential services appear to be presently available in the area.

## **V. STAFF RECOMMENDATION:**

That the Utah County Board of Adjustment **approve** Appeal #1612 a request to amend the site plan for Conditional Use Appeal #1605 for a Reception Center and approve a structure to exceed forty (40) feet in height to a maximum of fifty (50) feet, subject to staff findings included in the staff report and the following conditions:

- 1) The Board finds that the conditional use meets the standards found in Section 16.80(C) (1) through (C) (7) of the Utah County Land Use Ordinance.
- 2) Building permits or other applicable land use permits for the proposed structure(s) and all associated uses be obtained which meet all applicable zoning, building, health, and fire safety requirements, including applicable Natural Hazard Overlay Zone requirements.
- 3) That all conditions of approval of Appeal #1605 be met.
- 4) The termination date for obtaining a permit pursuant to this approval be set as April 6, 2024.